

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
AUG 16 2022	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY <u>Ker</u>	DEPUTY

GARY M. RESTAINO
United States Attorney
District of Arizona

BRETT A. DAY
Assistant United States Attorney
Arizona State Bar No. 027236
Two Renaissance Square
40 N. Central Ave., Suite 1800
Phoenix, Arizona 85004
Telephone: 602-514-7500
Email: brett.day@usdoj.gov
Attorneys for Plaintiff

**REDACTED FOR
PUBLIC DISCLOSURE**

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Fredy Gutierrez-Valencia,

Defendant.

No. **CR-22-01032-PHX-JJT (MTM)**

INDICTMENT

VIO: 18 U.S.C. §§ 922(a)(1)(A), 923(a),
and 924(a)(1)(D)
(Dealing Firearms without a License)
Count 1

18 U.S.C. § 922(a)(6)
(Making False Statements During a
Firearm Purchase)
Counts 2-26

18 U.S.C. §§ 924(d) and 981;
21 U.S.C. §§ 853 and 881; and
28 U.S.C. § 2461(c)
(Forfeiture Allegation)

THE GRAND JURY CHARGES:

COUNT 1

On or between February 5, 2020, and December 16, 2021, in the District of Arizona, Defendant FREDY GUTIERREZ-VALENCIA, not being a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, did willfully engage in the business of dealing in firearms.

In violation of Title 18, United States Code, Sections 922(a)(1)(A), 923(a), and 924(a)(1)(D).

COUNTS 2 - 26

On or about the dates listed below, in the District of Arizona, Defendant FREDY GUTIERREZ-VALENCIA knowingly made false statements and representations in connection with the acquisition of a firearm to the businesses listed below, which were intended and likely to deceive the businesses as to a fact material to the lawfulness of a sale of a firearm by the business, each of which was licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of each listed business, in that Defendant FREDY GUTIERREZ-VALENCIA did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, in each of the counts below stating that he was the actual buyer or transferee of the firearm, and was not buying the firearm on behalf of another person, whereas in truth and fact, Defendant FREDY GUTIERREZ-VALENCIA knew that he was buying the firearm on behalf of another person:

Count	Date	Business
2	2/5/2020	Ammo A-Z, Phoenix, Arizona
3	10/13/2020	Ammo A-Z, Phoenix, Arizona
4	11/18/2020	Lone Wolf Trading Company, Glendale, Arizona
5	12/17/2020	Sportsman's Warehouse #252, Avondale, Arizona
6	12/21/2020	Sportsman's Warehouse #117, Phoenix, Arizona
7	12/22/2020	Sportsman's Warehouse #117, Phoenix, Arizona
8	12/28/2020	Sportsman's Warehouse #117, Phoenix, Arizona
9	12/28/2020	Aztec Pawn, Phoenix, Arizona
10	12/29/2020	Sportsman's Warehouse #117, Phoenix, Arizona

11	2/10/2021	Cabela's #415, Glendale, Arizona
12	2/12/2021	Sportsman's Warehouse #117, Phoenix, Arizona
13	2/17/2021	Table Mesa Firearms, New River, Arizona
14	4/22/2021	Sportsman's Warehouse #252, Avondale, Arizona
15	5/12/2021	Table Mesa Firearms, New River, Arizona
16	5/21/2021	Table Mesa Firearms, New River, Arizona
17	5/28/2021	Table Mesa Firearms, New River, Arizona
18	5/28/2021	Lone Wolf Trading Company, Glendale, Arizona
19	6/9/2021	Table Mesa Firearms, New River, Arizona
20	10/6/2021	Table Mesa Firearms, New River, Arizona
21	10/19/2021	Table Mesa Firearms, New River, Arizona
22	11/16/2021	Sportsman's Warehouse #252, Avondale, Arizona
23	11/16/2021	Table Mesa Firearms, New River, Arizona
24	11/30/2021	Table Mesa Firearms, New River, Arizona
25	12/10/2021	Table Mesa Firearms, New River, Arizona
26	12/16/2021	Table Mesa Firearms, New River, Arizona

In violation of Title 18, United States Code, Section 922(a)(6).

FORFEITURE ALLEGATION

The Grand Jury realleges and incorporates the allegations of Counts 1 through 26 of this Indictment, which are incorporated by reference as though fully set forth herein.

Pursuant to 18 U.S.C. §§ 924(d) and 981, 21 U.S.C. §§ 853 and 881, and 28 U.S.C. § 2461(c), and upon conviction of the offense(s) alleged in Counts 1 through 26 of this Indictment, defendant shall forfeit to the United States of America all right, title, and

1 interest in (a) any property constituting, or derived from, any proceeds the person obtained,
2 directly or indirectly, as the result of the offense, and (b) any of defendant's property used,
3 or intended to be used, in any manner or part, to commit, or to facilitate the commission
4 of, such offense as to which property defendants is liable.

5 If any of the above-described forfeitable property, as a result of any act or omission
6 of defendant:

7 (1) cannot be located upon the exercise of due diligence,

8 (2) has been transferred or sold to, or deposited with, a third party,

9 (3) has been placed beyond the jurisdiction of the court,

10 (4) has been substantially diminished in value, or

11 (5) has been commingled with other property which cannot be divided without
12 difficulty, it is the intent of the United States to seek forfeiture of any other property of said
13 defendant up to the value of the above-described forfeitable property, pursuant to 21 U.S.C.
14 § 853(p).

15 All in accordance with 18 U.S.C. §§ 924(d) and 981, 21 U.S.C. §§ 853 and 881, 28
16 U.S.C. § 2461(c), and Rule 32.2, Federal Rules of Criminal Procedure.

17 A TRUE BILL

18
19 S/
20 FOREPERSON OF THE GRAND JURY
Date: August 16, 2022

21
22 GARY M. RESTAINO
23 United States Attorney
District of Arizona

24
25 S/
26 BRETT A. DAY
Assistant U.S. Attorney